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**Remarks/Arguments**

**1. Introduction**

Claims 1-23 are pending in the application. Claims 1, 2, 8, 11, 12, 17, and 20 have been amended for clarification and are fully supported by the specification. Claims 24-26 are new and fully supported by the specification. Claims 24-26 are incorporated from application serial number 09/550,950, which has been abandoned. No other new matter has been added to the prosecution of this application. For at least the reasons stated below, Applicants assert that the pending claims are allowable, and request the issuance of a notice of allowance.<sup>1</sup>

**2. 35 U.S.C. § 103 Rejections**

**A. Independent claim 1, as amended, is in condition for allowance.**

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Weiss et al., U.S. Patent 6,354,490 (hereinafter *Weiss*), and further in view of Nishimura et al., Japan Patent JP404195256A (hereinafter *Nishimura*). The Examiner rejected Applicants' arguments that the claimed invention was distinguishable and nonobvious in light of *Weiss* and *Nishimura*. Specifically, the Examiner noted that Applicant's claims, as previously written, did not claim that the account created is done so remotely. See Office Action, p. 2, ¶ 2. Applicants have amended the claims in light of the Examiner's rejection, and Applicants now assert that the claims are in condition for allowance, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

In addition, *Weiss* in view of *Nishimura* does not teach or disclose Applicants' claimed invention, as amended. *Weiss* only discloses a method to create a new account *within a*

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<sup>1</sup> Claims 11 and 20 are computer program and system claims, respectively, related to method claim 1. Arguments are made in regard to independent claim 1 and claims dependent to claim 1, unless specifically designated otherwise, but are equally applicable to independent claims 7 and 13 and their dependent claims.

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*bank's established system* through a standardized user interface. *Weiss*, Fig. 1.

Furthermore, *Weiss* does not suggest externalizing account creation because the basis of the entire invention is internalizing all data storage in a centralized location to facilitate data sharing across bank products. See *Weiss*, e.g., col. 4, ll. 13-15 ("The present invention provides an improved system for seamlessly accessing an integrated financial system."); Col. 5, ll. 16-20 ("An important aspect of the system of the present invention is that it permits data to flow up and down through the process so that once a salient piece of data is collected, the data is transmitted to every location where it is needed. In other words, all similar data fields are linked."). Without a suggestion from *Weiss* to externalize the account creation process, Applicant's claimed invention is not obvious because it discloses the creation of an account remote from the bank's centralized system. See Claim 1, as amended.

The addition of *Nishimura* does not rectify the shortcomings of *Weiss*. As stated in the constitution section of *Nishimura*, "customer input[ed] account information at an ATM is stored in a RAM 44. A request to open the account is issued by transmitting the telegram [in which information from the RAM 44 is included] to a host CPU 6 via an interface 46. . . The CPU 6 generates a new file when no problem exists, and sends the telegram to inform the opening of the account." (emphasis added) As indicated by the italicized language, *Nishimura* contemplates the creation of an account also within the system (generated by the host CPU 6) instead of external to the system as in Applicants' claimed invention. See Claim 1, as amended. Because Applicants' claimed invention is nonobvious, rejection under 35 U.S.C. § 103(a) is inappropriate, and in light of the above arguments, Applicants respectfully request the rejection be withdrawn.

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**B. Dependent claims 2-10 are in condition for allowance.**

Applicants also submit that the rejections of dependent claims 2-10 should also be withdrawn as they depend on Independent claim 1. Because independent claim 1 is in condition for allowance, rejection of such dependent claims is improper, and Applicants respectfully request the rejections be withdrawn.

**C. Official Notice Taken by Examiner is Now Irrelevant.**

Examiner's notice of the banking industry's use of multiple computers to facilitate its business, such that the use of multiple computers suggests the Applicants' invention, is irrelevant and inapplicable to supporting the conclusion that Applicants' claimed invention is obvious. While Examiner is correct in the statement that "a bank [may] use more than one in computer in their establishment", such a statement, and notice of this fact, is irrelevant to rejecting Applicants' claimed invention. While a bank may use more than one computer, these computers are all connected via one *internal* network. Applicants' claimed invention does not utilize two computers within the same internal network, as they would exist within a bank as noticed by the Examiner, but instead incorporates external remote computers to a bank's internal network to complete the transaction. See Claim 1; Fig. 9 (use of Internet). Hence, bank network activity is irrelevant to the present inquiry. Because Applicants' claimed invention is nonobvious, rejection under 35 U.S.C. § 103(a) is inappropriate, and in light of the above arguments, Applicants respectfully request the rejection be withdrawn.

**3. Conclusion**

All rejections having been addressed, Applicants submit that all pending claims are in condition for allowance. Applicants respectfully requests reconsideration of the rejected claims and that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7508. If any fees are due in connection with the filing of this

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paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 60021-369201).

Respectfully submitted,



Steven Lieske, Reg. No. 47,749

Customer No. 29,838

OPPENHEIMER WOLFF & DONNELLY LLP  
Plaza VII, Suite 3300  
45 South Seventh Street  
Minneapolis, MN 55402  
Phone: 612-607-7508  
Fax: 612-607-7100  
E-mail: slieske@oppenheimer.com